

MINUTES OF THE 139TH MEETING OF THE
WATER MANAGEMENT BOARD
FLOYD MATTHEW TRAINING CENTER
523 EAST CAPITOL AVENUE
PIERRE, SOUTH DAKOTA

JULY 6, 2005

CALL TO ORDER: Chairman Leo Holzbauer called the meeting to order. A quorum was present.

The following were present at the meeting.

Board Members: Leo Holzbauer, Rodney Freeman, Francis Brink, Jim Hutmacher, and Marian Gunderson. Bernita Loucks and Dwayne Rollag were absent.

Department of Environment and Natural Resources (DENR): Tim Tollefsrud, Director, Division of Environmental Services; Garland Erbele, Eric Gronlund, Mark Rath, Don Stroup, Mike DeFea, Karen Schlaak, Ron Duvall, Jim Goodman, Genny McMath, and Tim Schaal, Water Rights Program; Jeanne Goodman, Kent Woodmansey, Jeanie Votava, Stacy Splittstoesser, Rodger Seefeldt, Jason Roggow, Ben Myers, Keith Miller, Kathy McMahon, and Patrick Snyder, Surface Water Quality Program.

Attorney General's Office: Diane Best and John Guhin.

Legislative Oversight Committee: Dale Hargens, Miller, SD.

Cancellation of Water Right No. 4375-3: David Swanson, Frankfort, SD.

Lennox Future Use Review: Harlan Quenzer, Mitchell, SD.

Application No. 6576-3: Lee Kleinschmidt and Jerald Bronemann, Harrold, SD.

Other: Cheryl Van Zee, Corsica, SD, Tim Rogers, Rapid City, SD, and Bob Mercer, Pierre, SD.

BOARD REORGANIZATION: Motion by Freeman, seconded by Gunderson, to cast a unanimous ballot for Francis Brink as chairman, Jim Hutmacher as vice chairman, and Bernita Loucks as secretary. Motion carried.

APPROVE MINUTES FROM MAY 4, 2005, MEETING: Motion by Freeman, seconded by Hutmacher, to approve the minutes from the May 4, 2005, Water Management Board meeting. Motion carried.

OCTOBER MEETING: The next Water Management Board meeting will be October 4, 2005, in Pierre. (Note: the meeting was originally scheduled for October 5-6, 2005.)

STATUS AND REVIEW OF WATER RIGHTS LITIGATION: John Guhin reported that in the Philip Hines matter, the circuit court ruled against the decision of the board. DENR is considering appealing the decision. Judge Gors ruled that the board erred because it failed to make a calculation of probability on the average historical use and average annual recharge.

The Missouri River case was argued in the 8th circuit on April 11, 2005, and is pending before the court.

ADMINISTER OATH TO DENR STAFF: Chairman Brink administered the oath to DENR staff who intended to testify during the meeting.

PRESENTATION ON SURFACE WATER QUALITY PROGRAM'S FEEDLOT ACTIVITIES: The following employees from the DENR Surface Water Quality Program presented information on permitting and regulating concentrated animal feeding operations (CAFOs):

Jeanne Goodman, natural resources administrator

Kent Woodmansey, natural resources engineering director Keith Miller, natural resources project engineer

Jason Roggow, natural resources project engineer Jeanne Votava, natural resources engineering specialist

PUBLIC HEARING ON ADMINISTRATIVE RULES CHAPTER 74:51:03 – USES ASSIGNED TO STREAMS: Chairman Brink opened the hearing at 9:30 a.m. CDT.

During the last triennial review, ARSD 74:51:01:02.01 – Beneficial Use Analysis Required, was changed in order to allow the secretary of DENR to recommend classification changes in a more timely and frequent fashion than every three years during the triennial review. This will help the department in issuing Surface Water Discharge Permits with the permits becoming backlogged.

The purpose of this hearing was to consider proposed amendments to ARSD 74:51:03:04, 74:51:03:07, 74:51:03:08, 74:51:03:10, and 74:51:03:25 – Uses Assigned to Streams.

The public hearing was advertised in accordance with applicable rules and regulations.

Patrick Snyder, Surface Water Quality Program, provided a summary of the following proposed amendments.

ARSD 74:51:03:04 – Minnesota River's tributaries uses:

- Designate the beneficial use of warm water semipermanent fish life propagation waters and limited contact recreation waters to Labolt Lake Creek in Grant County.

ARSD 74:51:03:07 – Big Sioux River Basin:

- Designate the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to a segment of an unnamed tributary of Skunk Creek in Minnehaha County
- Designate the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to a segment of an unnamed tributary of West Pipestone Creek in Minnehaha County
- Designate the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to a segment of an unnamed tributary of an unnamed tributary of West Pipestone Creek in Minnehaha County
- Designate the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to a segment of Big Ditch Creek in Union County
- Designate the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to a segment of Big Ditch Creek in Union County.

ARSD 74:51:03:08 – Cheyenne River Basin:

- Designate the beneficial use of coldwater permanent fish life propagation waters and limited contact recreation waters to a segment of Beaver Creek in Custer County

ARSD 74:51:03:10 – Belle Fourche River Basin:

- Designate the beneficial use of coldwater marginal fish life propagation waters and limited contact recreation waters to Spring Creek, a tributary to the Redwater River in Lawrence County
- Designate the beneficial use of coldwater marginal fish life propagation waters and limited contact recreation waters to Rubicon Gulch Creek, a tributary of Spearfish Creek in Lawrence County

ARSD 74:51:03:25 – Vermillion River Basin:

- Designate the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to Blind Creek, a tributary of the Vermillion River in Lincoln County.

The proposed designations are the result of stream analyses required by the South Dakota Surface Water Quality Standards, Section 74:51:01:02.01. This section requires a beneficial use analysis be performed on streams that are currently classified only as fish and wildlife propagation, recreation, and stock watering waters and are receiving, or are proposed to receive,

a permitted discharge. If states do not properly designate beneficial uses of streams, the federal Clean Water Act gives the Environmental Protection Agency the authority to adopt and apply water quality standards to state streams.

At the conclusion of Mr. Snyder's presentation, Chairman Brink requested public comments regarding the proposed amendments. No one offered public comments.

The department received no written comments regarding the proposed amendments.

The Legislative Research Council reviewed and approved the proposed amendments for style, form, and legality.

Motion by Freeman, seconded by Gunderson, to adopt amendments to ARSD 74:51:03:04, 74:51:03:07, 74:51:03:08, 74:51:03:10, and 74:51:03:25 – Uses Assigned to Streams, as presented. Motion carried.

Chairman Brink closed the public hearing at 9:50 a.m. CDT.

NEW WATER PERMIT APPLICATIONS: The pertinent qualifications attached to approved water permit applications throughout the hearings are listed below:

Well Interference Qualification: The well(s) approved under this permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

Well Construction Rule Qualification No. 1: The well(s) authorized by Permit No. shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.

Well Construction Rule Qualification No. 2: The well(s) authorized by Permit No. shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

Irrigation Water Use Questionnaire Qualification: This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Low Flow Qualification: Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

UNOPPOSED NEW WATER PERMITS ISSUED BY THE CHIEF ENGINEER WITHOUT A HEARING BEFORE THE BOARD: See attachment.

APPLICATION NO. 6594-3, RIVERSIDE COLONY: Jim Goodman presented his report on the application.

The application proposes to appropriate 3.56 cfs (1,600 gpm) from two wells approximately 115 feet deep to irrigate 264 acres in Beadle County.

The aquifer is the Tulare Hitchcock aquifer.

The chief engineer recommended deferral of this application based on the Water Management Board's December 4, 2002, decision to defer future applications from this aquifer for a period of five years.

Mr. Goodman noted that this application should be placed on the deferred list of applications from the Tulare Hitchcock aquifer, which have priority over this application.

Motion by Freeman, seconded by Gunderson, to defer Application No. 6594-3, Riverside Colony, based on the Water Management Board's December 4, 2002, decision to defer applications from this aquifer for a period of five years. Motion carried.

DEFERRED APPLICATION NO. 1800-1, HARRY EINFALT: Eric Gronlund reported that in 2003, Mr. Einfalt submitted an application to irrigate. The application proposed to appropriate 1.86 cfs from a dugout/dam on a drainage lateral to irrigate 130 acres in Butte County. The water source is an open drain from the Belle Fourche Irrigation District. Since this water source was a structural component of the irrigation project, the chief engineer at that time, recommended deferral of the application in order to give Mr. Einfalt an opportunity to pursue obtaining the necessary authorization from the Bureau of Reclamation. The board deferred this application on October 1, 2003.

Since that time, the department has concluded that since this source is a structural component within the Belle Fourche Irrigation District and these lands are within the district boundaries, a state water right is not necessary. If Mr. Einfalt desires to irrigate this land, he will have to go through the proper steps with the Belle Fourche Irrigation District and the Bureau of Reclamation to receive an allocation of irrigation district water.

The chief engineer recommended denial of this application because a state water right is not needed.

Mr. Gronlund stated that notice of today's hearing was provided to Mr. Einfalt. Based on Mr. Gronlund's last discussion with the Bureau of Reclamation, Mr. Einfalt has not yet taken steps to receive an allocation of irrigation district water.

Motion by Gunderson, seconded by Hutmacher, to deny application No. 1800-1, Harry Einfalt, because the proposed dugout/dam is to be located on a structural component of the Belle Fourche Irrigation Project and the land is within the boundaries of the Belle Fourche Irrigation District. Motion carried.

HEARING TO CONSIDER CANCELLATION OF WATER RIGHT NO. 4375-3, DAVID

SWANSON: Mr. Gronlund provided a table showing the history of irrigation on the property from 1990 to 2004, including comments that were included on the irrigation questionnaires. The handout also contained a map showing this water right and four other water rights in the area, and a table showing the irrigation history for each of the water rights on the map.

Mr. Gronlund reported that this water right was originally held by Ralph Johnsen. It dates back to 1977 and it appropriates 1.33 cfs (600 gpm) from two wells in the Tulare East James aquifer to irrigate 132 acres approximately five miles northeast of Frankfort. The Tulare East James aquifer is fully appropriated. Mr. Swanson purchased this land within the last two years.

Mr. Gronlund stated that during the summers of 2002 and 2003, Don Stroup, a staff person from the Water Rights program, spent time in the area doing a survey of the area. Mr. Stroup did not observe any irrigation equipment or any evidence of recent irrigation on site. During the survey, Mr. Stroup visited with Mr. Swanson who indicated that he had recently purchased the property and was in the process of setting up an irrigation system on the land. After Mr. Stroup's survey, the Water Rights Program did a follow-up review of the irrigation questionnaires, which showed no irrigation had occurred from 1990 to the present.

Based on that review, the Water Rights Program sent a letter to Mr. Swanson informing him that the water right needed to be transferred to his name and that staff believed it would be in Mr. Swanson's best interest to get a determination regarding the status of the water right given the number of years it had not been used for irrigation. The letter explained the forfeiture for nonuse and the three year use it or lose it clause. The letter also informed Mr. Swanson that the Water Management Board is the entity ultimately responsible for determining if a water right is valid, and cautioned Mr. Swanson about setting up any type of irrigation system until he knew the status of this water right.

In February 2005, the Water Rights Program received the notice of transfer of ownership of the water right. This caused staff to question whether Mr. Swanson had set up irrigation equipment, so a staff engineer surveyed the area again. No irrigation system had been installed, but there was a well in the field. Mr. Gronlund noted that this well was probably from the original water right.

In March 2005, the Water Rights Program sent another letter to Mr. Swanson acknowledging that the water right had been transferred to his name, and again expressing concerns with the status of the water right. The letter informed Mr. Swanson that staff believed the best thing to do was to schedule the water right for cancellation, given the years of nonuse. Mr. Swanson was again cautioned about awaiting a board decision before making any type of capital investment.

The notice of cancellation scheduling the hearing for the May 2005 board meeting was sent to Mr. Swanson, who requested that the hearing be delayed. The hearing was rescheduled for today's board meeting.

Mr. Gronlund stated that the irrigation questionnaires submitted by Mr. Johnsen indicate that irrigation did not occur for a number of years due to wet conditions.

Water Management Board
July 6, 2005, Meeting Minutes

Mr. Swanson holds Water Right No. 4374-3 for which there was a period of four years when irrigation did not occur. The water rights held by Mr. St. Clair and Mr. Starr have consistently reported irrigation. Water Right No. 3189-3 had a four-year period in the mid 1990s when irrigation did not occur due to climatic conditions.

Mr. Gronlund said staff believes there are 14 years of nonuse of the water for this water right. Based on field investigations, the system has not been in place since 2002. Mr. Gronlund noted that the department did not send irrigation questionnaires to Mr. Swanson in 2003 and 2004.

David Swanson was administered the oath by Chairman Brink.

Mr. Swanson testified that when he purchased this quarter of land in January 2003 and started farming it, there was no pivot in place. Mr. Swanson had purchased the other three quarters of land in 1997. Mr. Johnsen had moved the pivot from this quarter of land to the other three quarters before Mr. Swanson purchased them. There was a row of trees in the middle of this quarter that Mr. Swanson had to tear out because it had been so wet the trees died.

Responding to questions from Mr. Freeman, Mr. Swanson stated that he irrigated the two quarters in Section 14 under Permit No. 4374-3 from 1998 through 2004. Had he owned it, Mr. Swanson testified that he probably could have irrigated No. 4375-3 in 2003.

Mr. Freeman said he does not believe there are three continuous years of non-use for this water permit. According to the irrigation questionnaires for this permit, it has been too wet to irrigate during the past several years.

Motion by Freeman, seconded by Hutmacher, to deny cancellation of Water Right No. 4375-3 based upon the legal excuse of too much moisture and there has not been three years of continuous non-use. Motion carried.

The parties waived findings of fact and conclusions of law.

CANCELLATION CONSIDERATIONS: Mr. Gronlund stated that eleven water rights/permits were scheduled for cancellation. The right/permit owners were notified of the hearing and the reason for cancellation.

The department received no letters in response to the notices of cancellation.

The following water rights/permits were recommended for cancellation for the reasons listed:

Future Use Permit No. 969-1 filed by Black Hills State University; abandonment Water Permit Nos. 897C-1 and 1457-1 filed by Bernard & Kathryn Kling; abandonment/forfeiture

Water Permit No. 2248-2 filed by Dale Jensen now owned by Roger Croell & Bret Hamm; non-construction

Vested Water Right No. 841-3 filed by the city of Beresford; abandonment/forfeiture

Water Management Board
July 6, 2005, Meeting Minutes

Water Right No. 1104-3 filed by James Donnelly; abandonment/forfeiture
Water Right No. 1151-3 filed by Mrs. Willard Meyer; abandonment/forfeiture
Water Right No. 2073-3 filed by Susan Darcy-Nerland now owned by RCS Development; abandonment/forfeiture
Water Right No. 3100-3 filed by Elmer Losing; abandonment/forfeiture
Water Permit No. 5494-3 filed by Amoco Oil Company now owned by Lance's Interstate Amoco; abandonment/forfeiture
Water Right No. 5660-3 filed by the city of Beresford; abandonment/forfeiture (irrigation portion only)

Motion by Freeman, seconded by Holzbauer, to cancel the eleven water rights/permits for the reasons listed. Motion carried.

FUTURE USE REVIEW: All future use permits are required to be reviewed every seven years for anticipated development and future need. The future use reviews were public noticed in local newspapers. The department received no petitions to intervene.

The chief engineer recommended allowing the future use permits to remain in effect for the amounts indicated on the table (attached).

Motion by Hutmacher, seconded by Gunderson, to allow Future Use Permit No. 1407-2 for the city of Custer to remain in effect for 434 acre-feet; to allow Future Use Permit No. 558A-3 for the city of Castlewood to remain in effect for 123 acre-feet, to allow Future Use Permit No. 5101-3 for the city of Lennox to remain in effect for 129 acre-feet, and to allow Future Use Permit No. 5358-3 for the TM Rural Water District to remain in effect for 530 acre-feet. Motion carried.

WATER PERMIT APPLICATION NO. 6576-3, LEE KLEINSCHMIDT: Diane Best offered DENR Exhibit 1, the agency file, DENR Exhibit 2, a map of the area, and DENR Exhibit 3, Jim Goodman's vita. The exhibits were accepted into the record.

Jim Goodman presented his report on the application.

Water Permit Application No. 6576-3 proposes to appropriate 0.56 cfs (250 gpm) from an existing well approximately 28 feet deep to irrigate 39 acres in Hughes County. This is about eleven miles south and three west of Harrold.

The Chapelle Creek aquifer is a surficial outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies about 20 square miles in Hughes County and contains about 20,000 acre-feet of water in storage. Recharge has been estimated to range from 2 to 5.6 inches per year. In his report, Mr. Goodman used 1 inch as a conservative estimate for recharge. That would yield about 1,000 acre-feet per year.

Observation well HU-81A is located about $\frac{1}{2}$ mile north of this site and HU-81B is located about three miles northeast of this site. Hydrographs for these observation wells are included in Mr. Goodman's report.

Water Management Board
July 6, 2005, Meeting Minutes

The lands requested by this application were originally covered by Water Right No. 2995-3, Lee Kleinschmidt, which was cancelled by the Water Management Board. Water Permit Application No. 6576-3 proposes to use the same well that was used for Water Right No. 2995-3.

Nearby Water Permit No. 6399-3 was approved by the Water Management Board after a contested case hearing. The permit is for 3.42 cfs to irrigate 240 acres across the road to the east of application No. 6576-3. The wells for No. 6399-3 are to be located in the W Y2 of the NW 1/4 of Section 1. The well for No. 6576-3 is located about 1,500 feet west at its closest point to the area advertised for No. 6399-3.

Mr. Goodman stated that until the wells are drilled for No. 6399-3 it is difficult to determine if interference is a concern. It is unlikely that drawdown created by pumping at the rate requested by this application would have a significant impact on a well in the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 1.

Mr. Goodman stated that between this application and Permit No. 6399-3, about 500 acre-feet total would be appropriated, and water would be available for both applications.

The chief engineer recommended approval of Application No. 6576-3 with the Well Interference Qualification and the Irrigation Water Use Questionnaire Qualification.

Petitions to intervene in this matter were submitted by Jerald Bronemann and Troy and Betty Brown, all from Harrold, SD.

Lee Kleinschmidt was administered the oath by Chairman Brink.

Mr. Kleinschmidt testified that his family previously held a water right on this land. The creek bottom was in alfalfa, which did not need to be irrigated, so the permit was cancelled by the Water Management Board because irrigation did not occur for 10 years while it was in alfalfa. Now the alfalfa needs to be replaced with a different crop and Mr. Kleinschmidt would like to irrigate. Mr. Kleinschmidt noted that the well is already in place.

Chairman Brink commented that if Mr. Kleinschmidt puts in a different crop now and irrigates it, and later goes back to alfalfa, the permit could be subject to cancellation again sometime in the future.

Mr. Kleinschmidt said he believes it is a waste of water to irrigate a crop that already has sufficient moisture. Mr. Kleinschmidt said he intends to farm this land for four or five years before he again plants alfalfa.

Jerald Bronemann was administered the oath by Chairman Brink.

Mr. Bronemann stated that he lives approximately three miles away from Mr. Kleinschmidt. His two domestic wells that were low this spring. After receiving rain, water came back into the wells. Mr. Bronemann believes that when Mr. Krull and Mr. Kleinschmidt begin irrigating, his

Water Management Board
July 6, 2005, Meeting Minutes

wells or his springs will be affected. Fifteen to twenty years ago when Mr. Kleinschmidt's father was irrigating, in the fall the spring in Mr. Bronemann's pasture was practically dry. Mr. Bronemann said he cannot remember the last time Chapelle Creek ran.

Mr. Bronemann said his main concern is that if the Kleinschmidt's and the Krulls both start irrigating his wells and springs will be affected.

Mr. Goodman commented that Mr. Krull's water permit has not been developed.

Motion by Freeman, seconded by Gunderson, to approve Water Permit Application No. 6576-3, Lee Kleinschmidt, subject to the qualifications set forth by the chief engineer. Motion carried.

Mr. Guhin will prepare the Findings of Fact, Conclusions of Law and Final Decision.

WATER PERMIT APPLICATION NO. 2537-2, DAVID SNYDER: Mark Rath presented his report on the application.

Water Permit Application No. 2537-2 proposes to change a diversion point and diversion authority for 0.18 cfs from Rapid Creek from the Hawthorne Ditch diversion point to the Rapid Valley Water Company (Murphy Ditch) diversion point for the irrigation of 10 acres. The 10 acres are currently irrigated by the July 12, 1886 priority date Hawthorne Ditch Water Right No. 2039-2. The water will continue to be used for irrigation purposes. The proposed project is located just east of Rapid City in Pennington County.

Mr. Rath stated that the application proposes to transfer only the pro-rata share of the July 12, 1886 priority date Hawthorne Ditch water minus the 18% carriage loss.

The land is within the Rapid Valley Water Conservancy District boundaries and has been capable of receiving purchased water under their Deerfield contract. Because this would be a relatively junior water right for the Rapid Valley Conservancy District, there are several years the applicant would have to purchase water even though delivery of water would be through the Murphy Ditch which has senior water rights to the other ditches.

The applicant submitted a letter from the Hawthorne Ditch Company supporting changing the diversion point and a letter from the Murphy Ditch Company stating that they would be willing to accept the amount of water proposed to be transferred. If the application is approved, the July 12, 1886 priority date will be retained by this permit and the Hawthorne Ditch Water Right No. 2039-2 would need to be reduced by 10 acres and 0.18 cfs.

The chief engineer recommended approval of Water Permit Application No. 2537-2, David Snyder, with the following qualifications:

1. Diversions under Permit No. 2537-2 may not interfere with existing water rights in effect prior to approval of No. 2537-2 or any domestic rights.

2. When natural flows are unavailable the permit holder must purchase irrigation water through the Rapid Valley Water Conservancy District through their Deerfield Contract with the U.S. Bureau of Reclamation.
3. The amount of water with a July 12, 1886, priority date, which may be appropriated under Vested Water Right No. 2039-2 (Hawthorne Ditch) is reduced by 10 acres and 0.18 cfs.

Mr. Rath noted that the department received no petitions in opposition of the application.

Motion by Holzbauer, seconded by Gunderson, to approve Water Permit Application No. 25372, David Snyder, subject to the qualifications set forth by the chief engineer. Motion carried.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL DECISION IN THE MATTER OF WATER PERMIT APPLICATION NO. 6581-3, FREMARK FEEDLOT: No comments were submitted by the parties.

Motion by Freeman, seconded by Holzbauer, to adopt the Findings of Fact, Conclusions of Law, and Final Decision for Water Permit Application No. 6581-3, Fremark Feedlot, as submitted by Mr. Guhin. Motion carried.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL DECISION IN THE MATTER OF WATER PERMIT APPLICATION NOS. 6560-3 AND 6578-3, LOUIS FRITZ: Ms. Best provided the board with copies of a partial transcript from the board's deliberations during the hearing for this application.

Mr. Guhin noted that the department submitted a response to the proposed Findings of Fact, Conclusions of Law, and Final Decision Water Permit Application No. 6560-3. He advised the board to accept the three changes suggested by the department.

Motion by Freeman, seconded by Gunderson, to accept the Findings of Fact, Conclusions of Law, and Final Decision for Water Permit Application No. 6560-3 as proposed by Mr. Guhin, and that the changes suggested by the department be incorporated into the Findings of Fact, Conclusions of Law, and Final Decision. Motion carried.

No proposals were received regarding the Findings of Fact, Conclusions of Law, and Final Decision for Water Permit Application No. 6578-3.

Motion by Freeman, seconded by Gunderson, to accept the Findings of Fact, Conclusions of Law, and Final Decision for Water Permit No. 6578-3 as proposed by Mr. Guhin. Motion carried.

ADJOURN: Chairman Brink declared the meeting adjourned.

Water Management Board
July 6, 2005, Meeting Minutes

A court reporter was present for this meeting and a transcript of the proceedings may be obtained by contacting Capital Reporting Services, PO Box 903, Pierre, SD 57501; telephone number 605-224-7611.

The meeting was also tape recorded and duplicate cassette tapes may be obtained by contacting the Department of Environment and Natural Resources, 523 East Capitol Avenue, Pierre, SD 57501; telephone number 605-773-3886.

Approved this 4th day of October, 2005.


Francis Brink, Chairman


Bernita Loucks, Secretary

WATER MANAGEMENT BOARD MEETING

July 6, 2005

Qualifications:
wi – well interference
wcr – well construction rules
iq – irrigation questionnaire
lf – low flow

Unopposed New Water Permit Applications Issued Based on the Chief Engineer Recommendations

No.	Name	I Address	County I	Amount	Use	J Source	Qualifications
1816-1	Richard D Sleep	Spearfish	LA	3.33 cfs	112 acres	1 well-Spearfish Formation	wi, iq
1832-1	Dallis & Tammy Basel	Union	MD	0.111 cfs	livestock	1 well-Inyan Kara Formation	wi
1833-1	Haiair Enterprise, Inc.	Spearfish	LA	no add'l	40 acres	2 wells-Minnekahta Aquifer	wi, wcr, iq
1834-1	Martin Bonato	Belle	BU	3.89 cfs	300 acres	1 well-Madison Aquifer	wi, wcr, iq, 1
1835-1	Duane & Evelyn Wilen	Belle	BU	0.50 cfs	shd, geo-	1 well-Madison Aquifer	wi, 2 special
1837-1	Guy Mann	Rapid City	MD	0.44 cfs	shd	1 well-Inyan Kara Formation	wi, 1 special
1839-1	Farrar Companies, Inc.	Rapid City	LA	0.033 cfs	geo-heat	1 well-Quaternary Alluvium	wi
1840-1	Apple Creek Development	Rapid City	LA	0.67 cfs	shd, com,irri	1 well-Madison Aquifer	wi, wcr, 2
1841-1	Walt O Griffith	Sioux Falls	LA	0.167 cfs	commercial	1 well-Precambrian Rock	wi
2550-2	Town of Hermosa	Hermosa	CU	0.44 cfs	municipal	1 well-Inyan Kara Formation	wi, wcr, 1
2551-2	Pepsi Cola of Black Hills	Rapid City	PE	0.068 cfs	landscape	1 well-Quaternary Alluvium	wi, iq
2552-2	Kjerstad Livestock Partner.	Quinn	PE	0.18 cfs	commercial	1 well-Inyan Kara Formation	wi, 2 special
2553-2	Martin J Vanderploeg	Tuthill	BT	0.44 cfs	fwp	springs (20 AF storage)	none
2554-2	First Baptist Church	Custer	CU	0.033 cfs	institutional	1 well-Precambrian Rock	wi, wcr
2555-2	Southern Hills Animal Clinic	Custer	CU	0.013 cfs	commercial	1 well-Precambrian Rock	wi
2557-2	Rapid Valley Sanitary Dist.	Rapid City	PE	1.37 cfs	rws	Rapid Creek	2 special
348A-3	Watertown Mun Utilities	Watertown	CD	no add'l	municipal	1 well-Big Sioux North	wi, 2 special
1217A-3	Watertown School Dist.	Watertown	CD	no add'l	7.8 acres	1 well-Big Sioux North	wi, 1 special
3268B-3	Huron Colony	Huron	BD	no add'l	no add'l ac	1 well-Tulare:East James	wi, iq
6587-3	Glendale Colony	Frankfort	SP	1.93 cfs	6 add'l acres	James River	1 special, iq
6588-3	Glendale Colony	Frankfort	SP	no add'l	130 acres	James River	1 special, iq
6589-3	Glendale Colony	Frankfort	SP	1.78 cfs	320 acres	James River	1 special, iq
6590-3	Glendale Colony	Frankfort	SP	1.56 cfs	320 acres	James River	1 special, iq
6592-3	Allen Gatzke	Hitchcock	SP	0.33 cfs	commercial	3 wells-Dakota Formation	wi, 2 special
6593-3	Leroy Braun	Mellette	SP	0.067 cfs	commercial	2 wells-Dakota Formation	wi, 2 special
6595-3	Clark Rural Water System	Clark	CK	0.56 cfs	rws	1 well-Big Sioux:North	wi, wcr, 1
6596-3	Jerry Schley	Stratford	BN	0.14 cfs	commercial	4 wells-Dakota Formation	wi, 2 special
6597-3	Ringling Cattle Co.	Platte	CM	0.20 cfs	commercial	1 well-Dakota Formation	wi, wcr, 2
6598-3	Curry Seed Co.	Elk Point	UN	1.85 cfs	130 acres	1 well-Missouri Elk Point	wi, wcr, iq

6599-3	Circle H Enterprise	Wagner	CM	0.57 cfs	40 acres	1 well-Choteau West Aquifer	wi, wcr, iq
6600-3	Mark Rilling	Pierre	HU	1.07 cfs	75 acres	dugout	iq, 1 special
6601-3	Ernest Jensen	Meckling	CL	2.22 cfs	132 acres	1 well-Missouri Elk Point	wi, wcr, iq,2
6602-3	Joe or Rick Pazour	Pukwana	BL	0.17 cfs	commercial	1 well-Dakota Formation	wi, wcr, 2
6603-3	Kathleen Chicoine	Elk Point	UN	2.28 cfs	160 acres	1 well-Missouri Elk Point	wi, wcr, iq
6604-3	James Willey	Gettysburg	PT	87.8 AF	fwp/livestoc	runoff	lf, 1 special
6605-3	Robert R Streeter	Madison WI	CA	320 acres	320 acres	1 well-Grand Aquifer	wi, wcr, iq,1
6606-3	Claremont Hutt. Brethren	Castlewood	HM	1.78 cfs	135 acres	1 well-Big Sioux:Brookings	wi, wcr, iq
6607-3	Duane E Auch	Centerville	CL	0.01 cfs	1 acre	1 well-Parker Centerville	wi, iq, 1 special
6608-3	Southeast Farmers Elevator	Elk Point	UN	0.67 cfs	commercial	1 well-Dakota Formation	wi, wcr
6610-3	J Robert Wardin	North Oaks	CL	1.78 cfs	135 acres	1 well-Missouri:Elk Point	wi, wcr, iq
6611-3	J Robert Wardin	North Oaks	CL	2.0 cfs	173 acres	1 well-Missouri:Elk Point	wi, wcr, iq
6612-3	Dean Foods/Land 0 Lakes	Sioux Falls	MA	0.67 cfs	1 acre	1 well-Big Sioux:Sioux Falls	1 special
6613-3	Huron Colony	Huron	BD	6.68 cfs	640 acres	James River	iq, 2 special
6614-3	Huron Colony	Huron	BD	1.89 cfs	132 acres	James River	iq, 1 special
6615-3	Mitchell Housing Authority	Mitchell	DA	0.08 cfs	1.2 acres	1 well-Niobrara Formation	wi
6616-3	Armour Hunters Haven	Sioux Falls	CM	0.22 cfs	fwp, rec,	1 well-Dakota Formation	wi, wcr, 1
6617-3	Kevin Cusick	Burbank	CL	0.69 cfs	48 acres	1 well-Missouri:Elk Point	wi, iq
6618-3	Willow Run Golf LLC	Sioux Falls	MA	0.44 cfs	71 acres	1 well-Sioux Quartzite	wi, iq
6619-3	P.J. Werdel & Sons LLC	Ree Heights	HD	0.33 cfs	commercial	1 well-Inyan Kara Formation	wi, wcr, 2
6620-3	RedStone Feeders LLC	DeSmet	KG	0.2 cfs	commercial	2 wells-Dakota Formation	wi, wcr, 2
6621-3,	Jay Cutts	Mission Hill	YA	1.6 cfs	104 acres	James River	iq, 1 special
6622-3	Gary Hanson Family Trust	White	BG	1.78 cfs	166 acres	1 well-Rutland Aquifer	wi, wcr, iq,1
6623-3	Bradley Hanson	White	BG	1.78 cfs	135 acres	1 well-Rutland Aquifer	wi, wcr, iq,1
6625-3	Ron Randall	Dell Rapids	MY	0.111 cfs	commercial	1 well-Big Sioux:Moody	wi, 2 special
6626-3	Stencil Development	Sioux Falls	MA	0.39 cfs	geo-heat	1 well-Sioux Quartzite	wi, 2 special
6627-3	Gary Althoff	Waubay	DA	0.044 cfs	commercial	1 well-Coteau Lake Aquifer	wi, wcr, 1

**SEVEN YEAR REVIEW OF FUTURE USE PERMITS CONSIDERED
BY THE WATER MANAGEMENT BOARD ON JULY 6, 2005**

FU Permit No.	Permit Holder	Year issued	Source	Last reviewed	Submitted letter requesting retention of permit	Submitted pump records (annually)	Amount Recommended AF-acre-feet
1407-2	City of Custer	1977	Precambrian Rock	1998	yes	320 AF	434 AF
558A-3	City of Castlewood	1959	Big Sioux Aquifer- Brookings Management Unit	1998	yes	no	123 AF
5101-3	City of Lennox	1986	Dakota Sandstone Aquifer	1998	yes	no	129 AF
5358-3	TM Rural Water District	1990	Upper Vermillion Missouri Aquifer	1997	yes	12 AF	530 AF